

EXHIBIT 2

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

IN THE DISTRICT COURT OF OKLAHOMA COUNTY

MAY 22 2013

STATE OF OKLAHOMA

TIM RHODES
COURT CLERK

RACHEL GORDON,
Plaintiff,

) 30

vs.

) Case No. CJ-

PROGRESSIVE CORPORATION
dba PROGRESSIVE DIRECT INSURANCE COMPANY
an Ohio Corporation
Defendant,

) CJ - 2013 - 3013

PETITION

COMES NOW the Plaintiff, Rachel Gordon, by and through her attorney of record, Mikel W. Flores, and for her causes of action against the Defendant, Progressive Corporation, aka Progressive Direct Insurance Company (hereinafter Progressive) , alleges and states as follows:

1. Plaintiff, Rachel Gordon is a resident of Oklahoma County, State of Oklahoma.
2. Defendant, Progressive is an Ohio corporation doing business in the State of Oklahoma under the name of Progressive Direct Insurance Company.
3. That on or about the 20th day of March 2013, on a public street in Oklahoma County, State of Oklahoma, known as North Rockwell Avenue and Northwest Expressway, Plaintiff was hit by a vehicle driven by Brittany Breisch.
4. That the collision and resulting physical damage to the Plaintiff, Rachel Gordon was caused by the negligence of Brittany Breisch in that she failed to exercise due care in operating her vehicle and disregarding a traffic signal light.
5. Plaintiff, Rachel Gordon sustained actual damages to her person.

6. Brittany Breisch's insurance company Liberty Mutual Insurance Company paid out her policy limits in the amount of \$50,000.00, releasing her from any liability.
7. Defendant Progressive, has an uninsured/underinsured motorist policy, number 53041427-0, covering Plaintiff and members of her household at the time of the accident.
8. That as a direct result of the negligence of the underinsured driver, the Plaintiff's claims exceeded any and all underlying liability limits.
9. That under the contractual terms of the uninsured/underinsured motorist coverage contract, the Defendant, Progressive Direct Insurance Company, is liable for all of Plaintiffs' damages exceeding the underlying liability limits of the tortfeasor, Brittany Breisch under the household UM policy.

CAUSE OF ACTION

COMES NOW the Plaintiff, Rachel Gordon, by and through her attorney of record, Mikel W. Flores, and for her cause of action, adopts and incorporates all previous allegations against the Defendant, Progressive, and alleges and states as follows:

10. That the Defendant Progressive, as an insurer has a duty to deal fairly and in good faith with its first party insureds.
11. That the Plaintiff, Rachel Gordon, at all material times mentioned herein was a first party insured with the Defendant, Progressive.
12. That the Defendant, Progressive, failed to deal fairly with the Plaintiff, Rachel Gordon, and such acts amounted to acts of bad faith on the part of the Defendant,

Progressive, as follows:

- a. That the Defendant, Progressive, intentionally and willfully caused delay in the recovery of benefits due and owing under the uninsured/underinsured motorist contract;
- b. That the Defendant, Progressive, intentionally failed to fully disclose and/or knowingly concealed benefits, coverage, or other provisions of insurance policy/contract to the Plaintiff when such benefits, coverage or provisions were pertinent to the claim;
- c. That the Defendant, Progressive, failed to acknowledge with reasonable promptness pertinent communications with respect to claims arising under its policy;
- d. That the Defendant, Progressive, failed to adopt and implement reasonable standards for prompt investigation of claims arising under its policy.

13. That the acts of the Defendant were willful, wanton and intentional and, therefore, we ask the Court for an amount in excess of \$75,000.00 in punitive damages plus interest set at the statutory level, for costs of this action, attorney fees, and for all other relief as the Court may deem just and proper;

14. That as a result of the Defendant's acts of bad faith, the Plaintiff has incurred, and will incur mental and physical pain and suffering and has incurred, and will incur financial hardship as a result of the Defendant's acts of bad faith, all in an amount in excess of \$75,000.00.

WHEREFORE, the Plaintiff, Rachel Gordon, prays judgment against the Defendant,

Progressive, in an amount in excess of \$75,000.00, for actual damages and an amount in excess of \$75,000.00 in punitive damages, plus interest set at the statutory level, for costs of this action, attorney fees, and for all other relief as the Court may deem just and proper.

Respectfully submitted,
Mikel Flores & Associates, P.C.


Mikel W. Flores, OBA # 15900
Mikel Flores & Associates, P.C.
6440 Avondale Dr.
Suite 201
Nichols Hills, OK 73116
Ph. (405) 810-8500
Fx. (405) 810-8501
Email: mwf@mikelflores.com

ATTORNEYS LIEN CLAIMED

VERIFICATION

STATE OF OKLAHOMA)
OKLAHOMA COUNTY) ss:

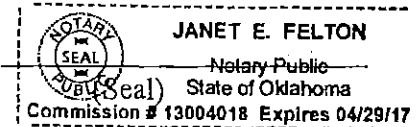
Rachel Gordon, of lawful age, being duly sworn and upon oath states: That she is the Plaintiff in the above foregoing Petition and is familiar with the contents thereof, and that to the best of her knowledge and belief, the matters therein set forth are true and correct.

Rachel Gordon

Rachel Gordon

Subscribed and sworn before me this 21st day 2013, by Rachel Gordon.

My Commission Expires:



Janet E. Felton

Notary Public